

**Notice of Allowability**

Application No.

09/902,768

Examiner

Christopher L. Lavin

Applicant(s)

KOGURE ET AL.

Art Unit

2621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview held on 01/27/06.
2. ☒ The allowed claim(s) is/are 2-4 and 6-11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 01/27/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Glenn Perry (Reg. No. 28,458) on 02/01/06.

Replace Claim 10 with:

A vehicle monitoring system, comprising:

a camera device provided on a vehicle for taking an image to be monitored as the monitored image;

a processor for analyzing the image and providing a warning to a driver and/or automatically controlling one or more vehicle systems in response to the analyzing; and

a controller for judging an optical irregularity is interfering with an acceptable quality of image capture based on the occurrence of a first parameter and inhibiting the warning and/or vehicle system automatic control in response thereto, and judging when the optical irregularity interfering with an acceptable quality of image capture is no longer present based on a second parameter different from the first parameter, after such inhibiting and restoring the ability of the processor to warn and/or automatically control one or more vehicle systems in response to the analyzing, wherein the first parameter includes a function of a camera shutter speed normalized luminance-

characteristic of the monitored image and a data related to luminance edges on the monitored image and the second parameter includes a function of shutter speed and a luminance-characteristic .

Replace claim 11 with:

A vehicle monitoring system, comprising:

a camera device provided on a vehicle for taking an image to be monitored;

a processor for analyzing the image and providing a warning to a driver and/or automatically controlling one or more vehicle systems in response to the analyzing; and

a controller for judging whether an optical irregularity is interfering with an acceptable quality of image capture based on the occurrence of a first parameter and inhibiting the warning and/or vehicle system automatic control in response thereto, and judging when the optical irregularity interfering with an acceptable quality of image capture is no longer present based on a second parameter after such inhibiting and restoring the ability of the processor to warn and/or automatically control one or more vehicle systems in response to the analyzing,

wherein the first period is variable in accordance with how accurately a lane making on a road in the monitored image is recognized; and the first parameter includes a function of a camera shutter speed normalized luminance-characteristic of the monitored image and a data related to luminance edges on the monitored image and the second parameter includes a function of shutter speed and a luminance-characteristic value .

***Allowable Subject Matter***

2. Claim 2 – 4 and 6 - 11 allowed.
3. The following is an examiner's statement of reasons for allowance: The art of record does not teach nor does it suggest the specific features called for in the claims, particularly normalizing a luminance-characteristic with shutter speed and using this value along with a second parameter to control the timing of a vehicle monitoring system.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher L. Lavin whose telephone number is 571-272-7392. The examiner can normally be reached on M - F (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mancuso Joseph can be reached on (571) 272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Lavin

A handwritten signature in black ink, appearing to read "Chris Lavin", with a long horizontal flourish extending to the right.A handwritten signature in black ink, appearing to read "Brian Werner", with a long horizontal flourish extending to the right.

**BRIAN WERNER**  
**PRIMARY EXAMINER**